with regard to the various provisions of the Bill must depend upon future developments, *i. e.*, upon the reception which these provisions meet with at the hands of the public. All that I need say just now is that Government do not oppose the introduction of the Bill."

Mr. Raman Tampi's motion was carried.

THE FISHERIES BILL.

Mr. Subba Aiyar, in introducing the Fisheries Bill said: -

"Sir,

I beg to introduce a Bill to amend Regulation XII of 1089, *viz.*, the Game and Fish Protection Regulation. No doubt, the Regulation is only seven years old. But the only provisions in it regarding fish are those which empower Government, by means of Notification, to prescribe a close season in any particular area and those prohibiting the capturing of fish in that particular area during such close time. The provisions regarding the authority to grant licenses, and the circumstances under which the licenses are to be cancelled are also detailed in the Regulation. Since the passing of the Regulation, the Department of Fisheries has been constituted, and the Director of Fisheries wanted to frame rules for the working of the Regulation. It was doubtful whether rules to regulate the method of capturing fish or to prohibit persons from using dynamite or other explosives in capturing fish or from poisoning water for that purpose, could be passed. He therefore suggested certain amendments. One or two other suggestions were also brought to the notice of Government by the High Range Angling Society and also by one of the planters at the Sri Mulam Popular Assembly. They said that non-indigenous fish was being bred in the High Range waters at considerable cost and that it was desirable that there should be some protection afforded to it. Their suggestion was that they should be given the power to issue licenses for capturing such non-indigenous fish and that they should have the power of control over such fish, so that by reckless fishing the variety might not become extinct. The Director of Fisheries arranged for the inspection of the fish and on receipt of a report the Director was satisfied that non-indigenous fish was being bred at considerable cost and labour by the planters and that they required encouragement. In view of these facts, the Director wanted the Government to issue a Notification empowering the breeders of such fish to issue licenses and to control them. But, unfortunately, a Notification of the kind could not be issued, because the Regulation as it stands does not empower the Government to do so. Hence, it was thought that it was desirable to have some provision in the Regulation itself for the purpose. In view of these circumstances, and in view of the fact that other amendments were also required, it was thought necessary that a separate Fisheries Regulation should be enacted containing all the provisions relating to fish, the existing provisions in Regulation XII of 1089, bearing on the same, being deleted.

The Bill consists of 23 Clauses. Clauses 1 to 3 are preliminary. Clause 4 empowers Government to prescribe the close time. Clauses 5 to 9 empower Government to prohibit the use of dynamite or other explosives or poison or any other method injurious to the fish. Clauses 10 to 19 are word for word reproduced from the existing Regulation. Under Clause 20, an officer empowered by Government may arrest any person committing an offence under the Regulation, whose identity cannot be known. Clauses 21 and 22 are put in with a view to empower a society recognised by Government to have some control over the non-indigenous fish and to issue licenses therefor, subject to such conditions as may be imposed by Government. These two Clauses are no doubt not found in the British Indian Act. They have been taken from the corresponding Ceylon Ordinance I of 1919. I believe there could be no objection in having these provisions in the Bill. With these words, I beg to move that the principle of the Bill be affirmed".

Dr. Kunjan Pillai:-

"Sir,

In seconding the motion brought forward by my friend Mr. Subba Aiyar, I may be permitted to make a few observations explaining the necessity for the Bill that is before the Council. From what Mr. Subba Aiyar has said, you will have seen that this Bill is only an amplification of the existing Game and Fish Protection Regulation, so far as it relates to fish. This Regulation has been in force for about seven years and so far as fish are concerned it was brought into operation about four years ago. Rules have been passed under the Regulation for the issue of licenses for fishing and they have been worked during these four years without practically any complaint. These Rules are found in actual practice, however, to be defective in certain respects and the defects are traceable to the inadequacy of the provisions in the Regulation. The Regulation was originally intended for the protection of game only and was drafted specifically for that purpose. After the Bill

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came up before this Council Government thought it necessary to widen the scope of its operation so as to include in it the protection of fish as well and accordingly game and fish were clubbed together in the Bill which was afterwards passed into law and became Regulation XII of 1089. The inclusion of fish in this Regulation enabled Government to make arrangements for the issue of licenses for the purpose of controlling and regulating fishing in the inland waters; but the provisions in the Regulation are found to be not sufficiently comprehensive, and hence the necessity has been keenly felt for a separate Fishery Regulation.

The object of fishery legislation, here as elsewhere, is mainly the protection of fish. Legislation of this kind is not a novelty. All countries which have any fisheries worth the name have legislated for their protection and we are only following in their track when we attempt to bring our fisheries under legislative control. Fish is no doubt a very prolific creature and possesses an enormous power of multiplication. Notwithstanding this fact, there are occasions when, unless they are specially protected, their multiplication and growth will be seriously interfered with. Certain species of fish will breed only in particular seasons and in particular places and if they are not protected in such seasons and in such places there is sure to be an appreciable depreciation in their process of multiplication. Then again, young and immature fish require special protection. The fishermen are not a class of people who look far ahead. They do not probably stand alone in this respect. As a rule, they look only to their immediate gain and in their greed to take as much as they could, they have made the meshes of their nets so small as to catch even the young fish which, if left behind, would grow to a bigger size and yield larger income later on. Such destructive methods of fishing have been going on in our inland waters for a long time, with the result that the fisheries have been greatly depleted to the detriment of the interests of the fishermen themselves. It is with a view to stop such methods and protect the fisheries that legislation has been brought in. If fisheries are to be protected, those engaged in fishing must be brought under control and this can only be done by allowing fishing under license. The issue of licenses is, therefore, a matter of necessity. If licenses are to be issued, there must be an agency to do the work and to meet the cost of this agency a nominal license fee has to be levied. The imposition of license fees does bring some revenue to Government; but the raising of revenue is not the main consideration. The revenue that is collected from the fishermen is all spent for their own benefit. If you look at the administration reports of the Fisheries Department you will find that the debit and credit sides of the Department more or less balance each other. This Department which consumes practically the whole revenue collected from the fishermen is primarily concerned in the regulation of fishing and the protection of fisheries. In addition to doing this, it is also devoting its attention to the amelioration of the social and material condition of the fishermen in various ways. In the first place, the Department is trying to spread among them education suited to their vocation. A special school has been opened at Panavalli in Vaikam taluk for the benefit of Valans, an important fishing community in the State. Grants are being given to two private night schools in Karunagapalli taluk conducted for the benefit of Arayans. To these schools boys and adults actually engaged in fishing are admitted and they are taught, besides the three R's, improved methods of catching and curing fish, and are also being trained in net-making and other cottage industries, such as weaving, which will enable them to earn a living during non-fishing seasons. Attached to the school at Panavalli a co-operative society is being conducted under the supervision of the Fisheries Department. This society serves the three-fold purpose of lending money to the members, distributing provisions to them and carrying on reproductive business. This society is certified to be one of the well-conducted co-operative societies in the State. It is the intention of the Department to start more schools either departmentally or by encouraging private enterprise and to have a co-operative society attached to each such school.

To improve the material condition of the fishermen the Fisheries Department is, in the first place, turning its attention to opening fish-curing yards. Three yards have already been opened and there is a proposal to open more in the near future. These yards are really beneficial to the fishermen inasmuch as in the yards they can buy salt for curing fish at Re. 1-12 annas per bag, whereas outside they have to pay Rs. 4 to Rs. 5 per bag, and fish cured in the yards on improved methods demonstrated by the Department fetch 8 annas to Re. one per maund more than the fish cured outside on the old crude method.

The Fisheries Department has also demonstrated the advantages of extracting fish oil on scientific lines, with the result that there are at present three private factories carrying on this industry on our coast and there is hope of seeing more such factories started at an early date.

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These are some of the directions in which the Fisheries Department is trying to improve the condition of the fishermen and the fisheries, and it is for these purposes that the money collected from the fishermen in the shape of license fees is being spent. You will see, therefore, that the levying of license fees which is now in force and which will continue to be in force even after the present Bill has been passed into law is intended not for the purpose of collecting revenue to be hoarded up in the treasury, but for the purpose of spending it for the protection of the fisheries and for the improvement of the social and material condition of the fishermen. In these circumstances I hope that my friends on the other side of the house will see their way to extend their whole-hearted support to this Bill. The Bill, in my opinion, stands in need of some slight alterations and these can be effected when it comes up for consideration before the Select Committee; but I fully approve of its general principles, and hence I have great pleasure in seconding the motion of my friend, Mr. Subba Aiyar, for its introduction into the Council."

Mr. Subba Aiyar's motion was carried.

Mr. Subba Aiyar moved that the Bill be referred to a Select Committee consisting of Messrs Kunjan Pillai, Parameswara Aiyar, G. Parameswaran Pillai and Subrahmanya Pillai and the Mover to report within two months.

Seconded by Mr. John Nidiry.

Carried.

THE CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. Subba Aiyar, in introducing the Criminal Procedure Code Amendment Bill, said :—

" Sir,

I beg to introduce a Bill to amend the Criminal Procedure Code. The amendments relate to three matters. One of them concerns the offences under the Chitties Regulation. Under this Regulation, all the Sub-Registrars have been declared ex-officio Registrars of chitties. The offences under the Regulation may be tried by a Second Class Magistrate, who cannot ordinarily take cognizance of the offence on mere information. Therefore, whenever a Sub-Registrar reports a case to the Magistrate, he has to go to the court and make a complaint. It is not possible to do so without dislocation of the work of the Sub-Registry office and without loss of public time and money. After all, it is only formal evidence that he can give. Therefore, it is thought desirable that a communication from the Sub-Registrar should be quite enough to enable the court to take cognizance of the case. With a view to confer such power upon the Magistrate, Section 170 of the Code is to be amended.

The next thing that is sought to be introduced by the Bill is the constitution of Bench Magistracy. After the passing of the Village Panchayat Courts Regulation and the constitution of the Village Panchayat Courts, the manner in which these courts have been discharging their duties has received the approbation of the public. It is therefore thought that some magisterial power may be conferred upon the non-officials by appointing Honorary Magistrates, so that they may sit in Benches and try petty cases. This is also desirable in the public interests. In the first place, this will give relief to the ordinary stipendiary Magistrates. Further, in the case of a Bench, where there is more than one Magistrate sitting in a Bench as in the case of a Village Panchayat Court, public confidence is likely to be far greater and the public are likely to be better satisfied with the decision. It is therefore proposed to secure the services of Honorary Magistrates with a view to constitute Benches.

These Benches may be invested with first or second class powers. One Section enables the Government to constitute the Bench. The provisions with regard to summary trials have been recast, *viz.*, First and Second Class Magistrates and the Benches invested with first and second class powers are allowed to try certain offences summarily. It is open to these Benches to try offences in the ordinary way or summarily. So far as the offences are concerned, the ordinary principle is that those which are not punishable with death or imprisonment exceeding three months may be tried summarily. In some cases, offences such as public health offences which may be punished with six months' imprisonment are also included.

The Bill is thus intended to associate non-officials in the administration of criminal justice and also to afford relief to the stipendiary Magistrates. With these words, I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Anantanaravana Aiyar.

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